

*Canada Grain Act*

ion it is not necessary even if it were desirable, which it is not, because clause 19(3) does not require the commission to supply samples with respect to which the committee is not capable of forming a judgment by visual means. So, Mr. Speaker, I contend that this amendment is not necessary.

Dealing with amendment No. 21, this appears to follow the reasoning of amendment 20. However, it would remove the authority to designate export standard samples where a non-visual characteristic was utilized. Here again, I do not believe it is necessary, or if the substance of the amendment were to be deemed necessary, it could of course be dealt with in the regulations. Amendment No. 22, dealing with clause 24, was submitted to the committee but the clause was approved without amendment. Discussion took place, which can be found in report No. 42, at page 96. Of course, the bill provides for a minimum of 15 days. I suggest that this period could be extended as provided in the act.

• (9:40 p.m.)

So far as amendment No. 23 is concerned, it proposes to have the minister appoint members of grain appeal tribunals. It is not clear in my mind why this would be a more appropriate procedure. However, amendment No. 25 proposes to reduce the panel from eight to four and it reduces the selection of those—this is important—available for appeal duties.

Dealing with proposed amendment No. 26, this proposes that the minister, instead of the commission, establish the term of office of the grain appeal tribunals. It seems that in the situation where the commission is responsible to the minister, and indeed responsible to Parliament, it should not be set up in such a way as to indicate insufficient confidence in the capability of the commission to establish these appeal tribunals, because certainly both the minister and Parliament under the rules and practices have something to say about this if the commission does not in fact meet the policy and general opinions expressed by the House.

Amendment 27 proposes to enlarge the quorum and to add producer representatives of various groups to the tribunal. I suggest there could be some difficulty in finding and appointing people under this qualification, because if anything is desirable in so far as grading is concerned it is that we need expertise and uniformity so that it is applied in the same way to all producers. If we accept this

[Mr. Olson.]

amendment it will downgrade that very desirable objective.

In so far as proposed amendment No. 28 is concerned, this proposes to enlarge the right of appeal and to include appeals against non-visual characteristics. If that is needed, in my opinion it can be provided in the regulations. As far as I am concerned, it is certainly possible now, under the provisions of the bill, to appeal and to have tests made with respect to those characteristics which, as the amendment points out, are non-visual.

Proposed amendment No. 29 relates to the same matter contained in proposed amendment No. 22. Proposed amendment No. 30 has the effect of providing appeals against grades assigned on the discharge from an elevator. Accordingly, these appeals could be made against certificates final. I suggest there is some point in the sale where we reach the point of certificate final and where there can be no further appeal because there are, in my opinion at least, the other courses and channels of redress open to do that. It has the possibility of greatly slowing down the practical and physical matters related to the sale and movement of grain if certificates final can in fact be challenged.

Proposed amendment No. 31 would restrict the bonding, insurance, etc., in respect of acts of God or the Queen's enemies. It seems unnecessary since the act does not require the commission to demand any insurance of any unusual type and we have to assume, I think properly, and indeed expect, that the commission would act in a responsible manner. Proposed amendment No. 32 requests an appeal to the Exchequer Court against a refusal by the commission to licence. I suggest, Mr. Speaker, this has been provided for. The bill provides for public hearings under clause 80 and for a review by the minister under clause 78. As well, under the Federal Courts Act now before the House, appeals are provided under certain circumstances.

Proposed amendment No. 33, dealing with clause 39, as far as I am concerned is a refinement of drafting and really has no import in substance. Proposed amendment No. 34 was in fact moved in the committee and defeated, as recorded at page 55 of report No. 44. Proposed amendment No. 35 has the same status and relates to essentially the same matter.

Proposed amendment No. 36, dealing with clause 41 of the bill, requires producers to pay full storage rates in cases of extended work stoppage even though the cost to the elevator company is minimal. I suggest there